



ARIZONA STATE SENATE
Fifty-Fifth Legislature, First Regular Session

FACT SHEET FOR S.B. 1430

highly fatal; definition

Purpose

Modifies the Governor's powers during a state of emergency or state of war emergency in which there is a public health emergency or the occurrence or imminent threat of smallpox, plague, viral hemorrhagic fevers or a highly contagious and highly fatal disease.

Background

The Governor may declare a state of emergency if the Governor finds that there exist conditions of disaster or extreme peril to the safety of persons or property within the state caused by air pollution, fire, flood, epidemic, riot, earthquake or other causes that are likely to be beyond the control of any single county or municipality ([A.R.S. § 26-301](#)). During a state of emergency or state of war emergency in which there is an occurrence or imminent threat of an illness or health condition caused by bioterrorism, epidemic or pandemic disease or a highly fatal infectious agent or biological toxin that poses a substantial risk of a significant number of human fatalities (public health emergency), the Department of Health Services (DHS) must coordinate all matters pertaining to the state response. During a public health emergency, DHS has primary jurisdiction, responsibility and authority for certain duties, including: 1) planning and executing the public health emergency assessment, mitigation, preparedness response and recovery of the state; 2) coordinating the response among state, local and tribal authorities; and 3) coordinating recovery operations and mitigation initiatives.

Additionally, during a state of emergency in which there is a public health emergency, the Governor, in consultation with the DHS Director, may issue orders mandating medical examinations and rationing and providing for procurement of medicines and vaccines. If there is the occurrence or imminent threat of smallpox, plague, viral hemorrhagic fevers or a highly contagious and highly fatal disease with transmission characteristics similar to smallpox, the Governor may issue orders isolating and quarantining persons and mandating treatment or vaccination of persons diagnosed with an illness ([A.R.S. § 36-787](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Allows the Governor to encourage when appropriate, rather than mandate:
 - a) medical examinations for persons exposed to an illness or health condition during a state of emergency or state of war emergency in which there is a public health emergency; and
 - b) treatment or vaccination of persons diagnosed with an illness or reasonably believed to have been or expected to be exposed to an illness or health condition during a state of emergency or state of war emergency in which there is the occurrence or imminent threat of smallpox, plague, viral hemorrhagic fevers or a highly contagious and highly fatal disease with transmission characteristics similar to smallpox.

2. Limits the Governor's authority to isolate and quarantine persons during a state of emergency or state of war emergency in which there is the occurrence or imminent threat of smallpox, plague, viral hemorrhagic fevers or a highly contagious and highly fatal disease by:
 - a) capping a period of isolation and quarantine of persons at 30 days;
 - b) specifying the isolation and quarantine be in the person's home while infected and contagious with a virus or infectious agent.
3. Narrows the application of the Governor's measures to address a highly contagious and highly fatal disease with transmission characteristics similar to smallpox only to counties where:
 - a) at least three and one-half percent of the population is confirmed to have been infected with the virus; and
 - b) the death rate from the virus in that county is greater than three and one-half percent when dividing the number of individuals confirmed to have died from the virus in the county by the total number of individuals in the county estimated to have been infected with the virus.
4. Defines *highly contagious and highly fatal disease* for the purposes of the Governor's powers and duties during a public health emergency as a virus that is confirmed to have:
 - a) infected at least three and one-half percent of the Arizona's population in the preceding six-month period; and
 - b) a death rate of at least three and one-half percent when dividing the number of individuals that are confirmed to have died from the virus in Arizona by the total number of individuals estimated to have been infected with the virus in Arizona.
5. Makes technical and conforming changes.
6. Becomes effective on the general effective date.

Prepared by Senate Research

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MH/gs